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October 10, 2016

The Honorable Gabriel W. Gorenstein  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, NY 10007-1312

Re: Westminster Securities Corp., et al. v. Uranium Energy Corp., et al.  
Case No. 1:15-CV-04181-VM

Dear Judge Gorenstein:

Pursuant to the prior Order referring non-dispositive pretrial motions to your attention for disposition, and pursuant to your instructions regarding “Individual Practices” for non-discovery motions, we are writing to request a pre-motion conference regarding a motion we intend to submit, as described briefly below.

At the outset of this action, undersigned counsel for Defendants endorsed a Jury Trial Demand on initial pleadings. Subsequently, however, it has come to counsel’s attention that in the Securities Purchase Agreement upon which Plaintiffs’ claims in this case are based, the parties agreed to an “irrevocable” waiver of trial by jury. Accordingly, Defendants seek to withdraw their jury trial demand and to obtain a ruling that this action shall be tried to the Court, pursuant to the parties’ prior contractual commitment.

Defendants’ counsel has notified Plaintiffs’ counsel of the intention to withdraw the jury trial demand and has requested Plaintiffs’ consent to the withdrawal. Defendants’ counsel also provided Plaintiffs’ counsel a copy of the draft Motion, citing legal authority that a jury trial demand may be withdrawn, despite opposition by the opposing party, if, as here, the right to a jury trial has been previously waived by contract.

Despite the citation of authority permitting withdrawal of the jury trial demand, Plaintiffs’ counsel has refused to consent to the withdrawal, thus making the filing of a motion necessary to resolution of the issue.

The Honorable Gabriel W. Gorenstein  
October 10, 2016  
Page 2

Accordingly, Defendants hereby request that a telephonic pre-motion conference be scheduled as soon as the Court's calendar permits to establish a briefing schedule for the proposed motion.

Very truly yours,



Michael S. Rubin  
*Attorneys for Defendants*

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cc: (via mail and email):  
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